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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,310	11/12/1999	RUSSELL FREDERICK GLOOR	EN999079	1499

7590 10/15/2004

JACK P. FRIEDMAN  
SCHMEISER, OLSEN & WATTS  
3 LEAR JET LANE  
SUITE 201  
LATHAM, NY 12110

EXAMINER

REAGAN, JAMES A

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

*Supplemental*  
**Notice of Allowability**

Application No.

09/439,310

Examiner

James A. Reagan

Applicant(s)

GLOOR ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment after Notice of Allowance filed on 08 September 2004.
2. ☐ The allowed claim(s) is/are 1, 2 and 4.
3. ☒ The drawings filed on 30 September 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

SUPER  
TEC.

#### DETAILED ACTION

##### Status of Claims

1. This action is in response to the Amendment after Notice of Allowance filed on 08 September 2004.
2. Claim 3 has been cancelled.
3. Claims 1, 2, and 4 have been allowed.

##### Allowable Subject Matter

4. Claims 1, 2, and 4 are allowed. See Reasons for Allowance under separate heading.

#### EXAMINER'S AMENDMENT

5. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
6. Authorization for this examiner's amendment was given in a telephone interview with Jack Friedman on 28 June 2004.

The application has been amended as follows:

Replace **CLAIM 1** with the following:

*-- A quality assurance method for an information technology services solution, comprising the steps of:*

*defining a first information technology services solution by a provider having a business objective for a customer having a need;*

*electronically performing a first assurance review of said for solution to determine whether said first solution is technically viable, deliverable, and includes technical risk identification, assessment, and containment plans;*

*electronically performing a second assurance review of said first solution to determine whether said first solution includes complete schedules, a complete cost and profit case, and said first solution satisfies both provider business objectives and said customer need;*

*defining a second information technology services solution by said provider, by correcting any deficiencies identified in said first assurance review with respect to whether said first solution is technically viable, deliverable, and includes technical risk identification, assessment, and containment plans, and by correcting any deficiencies identified in said second assurance review respect to whether said first solution includes complete schedules, a complete cost and profit case, and said first solution satisfies both provider business objectives and said customer need;*

*obtaining a customer commitment to said second solution;*

*thereafter, performing a first readiness review of said second solution to identify new issues or risks which arose during said obtaining customer commitment step, determine whether delivery plans are established, and establish baselines for performances and said profit case;*

*if said first ready this review has determined that said delivery plans are established then periodically performing a project management review to verify said second solution is being managed as defined, meeting said profit case, and meeting said customer need; and*

*if said project management review has verified that said second solution is being managed as defined, meeting said profit case, in meeting said customer need then thereafter, performing a deliverable readiness review to verify that said second solution has been delivered to said customer and that said second solution satisfies the customer's need. --*

#### **REASONS FOR ALLOWANCE**

**7.** The following is an Examiner's statement of reasons for allowance:

The closest prior art, Eisener, "Essentials of Project and Systems Engineering Management" teaches a project management system and technique that includes reviews and assessments during the design and implementations of project solutions throughout the life cycle

of the project. As shown in independent claim number 1, it is clear that the applicant's invention is distinguished over the Eisner invention in at least in the method step of *defining a second information technology services solution by said provider, by correcting any deficiencies identified in said first assurance review with respect to whether said first solution is technically viable, deliverable, and includes technical risk identification, assessment, and containment plans, and by correcting any deficiencies identified in said second assurance review respect to whether said first solution includes complete schedules, a complete cost and profit case, and said first solution satisfies both provider business objectives and said customer need.* This has the effect of ensuring that the project is continuing in a timely and efficient manner. Although Eisener plainly and specifically discloses project management systems and techniques, as per the order by the Board of Patent Appeals and Inferences in the response received on November 25, 2003 (Appeal No. 2003-439,310), the application of Eisener as prior art was insufficient maintain a proper rejection.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to **James A. Reagan** whose telephone number is **(703) 306-9131**. The examiner can normally be reached on Monday-Friday, 9:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **James Trammell** can be reached at (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 305-3900**.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

**Washington, D.C. 20231**

or faxed to:

**(703) 305-7687** [Official communications; including

After Final communications labeled "Box AF"]

**(703) 308-1396** [Informal/Draft communications, labeled "PROPOSED" or  
"DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

JAR  
16 October 2004